

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #8	CCRB Case #: 201701403	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/15/2017 1:20 PM	Location of Incident: Inside 1 Richmond Terrace	Precinct: 120	18 Mo. SOL 8/15/2018	EO SOL 8/15/2018	
Date/Time CV Reported Wed, 02/15/2017 6:16 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/21/2017 11:10 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Peter Guido	03262	922464	PBSI

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Douglas Mcdonald	05488	944788	122 PCT
2. POM Daniel Castaldo	06682	950173	PBSI
3. SGT Ilya Dimantov	4423	942775	122 PCT
4. POM Anthony Narvaez	07998	955248	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Peter Guido	Force: Sergeant Peter Guido used physical force against § 87(2)(b)	
B.SGT Peter Guido	Force: Sergeant Peter Guido used physical force against § 87(2)(b)	
C.SGT Peter Guido	Abuse: Sergeant Peter Guido threatened § 87(2)(b) with the use of force.	

### Summary of Complaint

On February 15<sup>th</sup>, 2017, at approximately 1:20PM, § 87(2)(b) and her friend, § 87(2)(b) entered the St. George train station in the Staten Island Ferry Terminal in 1 Richmond Terrace in Staten Island, paying only one fare as they both passed through the turnstile. § 87(2)(b) an MTA conductor, observed this and asked § 87(2)(b) to go back and pay. When she refused, § 87(2)(b) brought Sergeant Peter Guido and Police Officer Anthony Narvaez, both of the Patrol Borough Staten Island, as well as Sergeant Ilya Dimantov of the 122<sup>nd</sup> Precinct to help remove § 87(2)(b) from the train. Once the MOS came to § 87(2)(b) Sgt. Guido pulled her off the train (Allegation A). As the three MOS were bringing § 87(2)(b) to a police office, they met Police Officer Daniel Castaldo and Police Officer Douglas McDonald, both of the 122<sup>nd</sup> Precinct. After the MOS placed § 87(2)(b) in a seat outside of the police office, § 87(2)(b) got up from the seat, saying that she would spit at officers. PO Castaldo and PO McDonald turned § 87(2)(b) around so that she was facing the wall and could not spit at anyone. In response, § 87(2)(b) began to kick back at PO Castaldo and PO McDonald. While she was doing this, Sgt. Guido took hold of § 87(2)(b)'s head and brought it against the wall (Allegation B). Shortly after this happened, as § 87(2)(b) was still kicking, PO Castaldo and PO McDonald brought § 87(2)(b) to the ground. § 87(2)(b) began to have an asthma attack. As a result, Sgt. Guido called an ambulance. Sgt. Guido and PO Castaldo rode with § 87(2)(b) in the ambulance. On the way to § 87(2)(b), Sgt. Guido allegedly told § 87(2)(b) "You're lucky your face is still intact because you're § 87(2)(b)." (Allegation C). Following the arrival of the ambulance at § 87(2)(b) § 87(2)(b) was left to the care of hospital staff.

### Mediation, Civil, and Criminal Histories

- This case was deemed unsuitable for mediation.
- The NYC Office of the Comptroller responded to a request on June 13<sup>th</sup>, 2017, indicating that no notice of claim has been filed by § 87(2)(b)'s mother, or § 87(2)(b) in regards to this incident (BR19).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is the first complaint involving § 87(2)(b) with the CCRB (BR02).
- Sgt. Guido has been an MOS for 18 years, and this is the eighth of nine complaints filed against him (BR03). § 87(4-b) § 87(2)(g)

§ 87(2)(b) The previous seven cases and the case generated as a result of a complaint filed after this complaint have generated a total of fourteen allegations, four of which Force – Physical force.

### Findings and Recommendations

#### Allegation A—Force: Sergeant Peter Guido used physical force against § 87(2)(b)

§ 87(2)(g) (BR04). § 87(2)(b) testified that on February 15<sup>th</sup>, 2017, in the early afternoon, while they were on the way to a friend's house, she and her friend § 87(2)(b) entered the St. George train station which is connected to the Staten Island Ferry Terminal in Staten Island on one metro card swipe. § 87(2)(b) saw one MTA employee as she entered

the train station. This MTA employee did not say or do anything to indicate that he had noticed that § 87(2)(b) had entered the train station on the same swipe as § 87(2)(b) and § 87(2)(b) boarded the train and waited for it to leave the station.

About five minutes after § 87(2)(b) and § 87(2)(b) entered the train station, Sgt. Guido, Sgt. Dimantov, PO Narvaez, and two to seven more MOS entered the train car. After entering the train car, Sgt. Guido told § 87(2)(b) that she was going to have to get off the train. § 87(2)(b) asked Sgt. Guido why she needed to be removed from the train. Sgt. Guido did not explain, but again told § 87(2)(b) that she was going to have to get off the train. After the second time that Sgt. Guido told her this, § 87(2)(b) said “no,” and told Sgt. Guido that there was no need for her to be removed. Sgt. Guido took hold of § 87(2)(b)’s right bicep with one of his hands, pulled her up from her seat, and began to drag her towards the door of the train.

As soon as Sgt. Guido began to pull on § 87(2)(b)’s arm, the other MOS grouped around her. When § 87(2)(b) and Sgt. Guido reached a pole between the seat § 87(2)(b) had been sitting in and the door to the train car, § 87(2)(b) grabbed onto the pole with both hands so that she was facing away from the door of the train. When § 87(2)(b) grabbed the pole, the MOS who had surrounded her began to take hold of her. § 87(2)(b) could not remember where the MOS took hold of her. As the MOS did this, Sgt. Guido took hold of § 87(2)(b)’s left bicep with his other hand. Sgt. Guido and the other MOS pulled § 87(2)(b) so that she let go of the pole. As Sgt. Guido and the other MOS were pulling her towards the door of the train car, § 87(2)(b) flailed her arms and kicked her legs at the MOS. By the time that § 87(2)(b) let go of the pole, Sgt. Guido and the other MOS were only pulling her by the arms.

While other MOS used force against her, § 87(2)(b) felt that only the force used by Sgt. Guido was excessive.

Sgt. Guido and the other MOS continued to pull § 87(2)(b) until they were off the train and at the center of the train platform. Sgt. Guido placed § 87(2)(b) in handcuffs. No one on the train reacted to § 87(2)(b) being removed from the train. When § 87(2)(b) who was still seated, saw that § 87(2)(b) was being placed in handcuffs, she got up from her chair, went to the door of the train car, and told § 87(2)(b) that she would call her mother. As soon as § 87(2)(b) was placed in handcuffs, she stopped flailing her arms and kicking, and did not continue to resist group of MOS.

§ 87(2)(b) an MTA conductor, testified as a witness in regards to this incident (BR05). On the incident date, § 87(2)(b) observed § 87(2)(b) and § 87(2)(b) enter the St. George train station on a single metro card swipe. As § 87(2)(b) and § 87(2)(b) walked by § 87(2)(b) on their way to the train, § 87(2)(b) asked § 87(2)(b) and § 87(2)(b) if they had just entered the station by using only one metro card swipe. § 87(2)(b) began to yell at § 87(2)(b) saying that she knew that she had entered on only one swipe, and that she did so because she did not have a metro card. § 87(2)(b) told § 87(2)(b) and § 87(2)(b) that one of them would need to go back through the turnstiles to pay for a metro card. § 87(2)(b) and § 87(2)(b) both refused, and boarded the train.

§ 87(2)(b) went to the nearby ferry terminal, found Sgt. Guido, Sgt. Dimantov, and PO Narvaez, explained the situation to them, and requested that they assist him remove § 87(2)(b) from the train. § 87(2)(b) brought the three MOS to the train car that he saw § 87(2)(b) and § 87(2)(b) enter, and pointed out § 87(2)(b) to the three MOS. At least one of the MOS asked § 87(2)(b) to come with them. § 87(2)(b) stood up, and began to scream and use profanity. § 87(2)(b) also began to move her arms upward and together across her body, and then bring them back down again. § 87(2)(b) believed that § 87(2)(b) may also have been moving her arms forward in such a way that made it appear like she was trying to shove the MOS. While § 87(2)(b) was swinging her arms, she made a gesture with one of her hand that made it appear like she hit at least one of the MOS.

As soon as § 87(2)(b) began to scream, § 87(2)(b) began to leave the train car so that he could open up all of the doors of the train in order to allow the police to more easily remove § 87(2)(b) from the train. Less than a minute after § 87(2)(b) opened all the doors of the train, he saw the three

MOS leading § 87(2)(b) away from the train. § 87(2)(b) was still screaming as the MOS were leading her away. § 87(2)(b) did not see § 87(2)(b) again that day.

During his interview at the CCRB, Sgt. Dimantov testified that § 87(2)(b) came to the police office in the ferry terminal requesting that MOS remove § 87(2)(b) from a train (BR06). Sgt. Dimantov went with Sgt. Guido and PO Narvaez down to the train station to help § 87(2)(b) have § 87(2)(b) removed from the train. As soon as § 87(2)(b) pointed § 87(2)(b) out to the three MOS, Sgt. Dimantov asked § 87(2)(b) to step off the train. § 87(2)(b) responded that Sgt. Dimantov was not a female MOS, so she would not speak to him. Sgt. Dimantov again asked § 87(2)(b) to step off the train. Sgt. Dimantov could not recall if he or any other MOS attempted to get § 87(2)(b) out of her seat, but testified that after he asked her to step off the train for the second time, § 87(2)(b) stood up, and grabbed onto a railing. In response, Sgt. Dimantov took hold of § 87(2)(b) by her jacket on her right shoulder in order to lead her off the train. § 87(2)(b) began to move her arms upward and outward, and then back together again at a rapid pace. While § 87(2)(b) was flailing her arms, it appeared that that one of her arms struck Sgt. Guido somewhere in the face. Sgt. Dimantov and PO Narvaez each took hold of one of § 87(2)(b)'s arms, while Sgt. Guido placed her in handcuffs. All three MOS together led § 87(2)(b) off the train after Sgt. Guido placed her in handcuffs. After § 87(2)(b) was placed in handcuffs, Sgt. Guido stated that she had not hit him in the face.

§ 87(2)(g)  
§ 87(2)(b) (BR07). PO Narvaez clarified that Sgt. Dimantov took hold of § 87(2)(b)'s wrists and pulled her up from her seat on the train after he, Sgt. Dimantov, and Sgt. Guido asked § 87(2)(b) multiple times to step off the train. PO Narvaez also clarified that it appeared that § 87(2)(b) struck Sgt. Guido because her arm had been close to his face, Sgt. Guido had backed away from § 87(2)(b)'s arm, and part of Sgt. Guido's face appeared red.

§ 87(2)(g)  
§ 87(2)(b) (BR08). Sgt. Guido stated that when § 87(2)(b) was flailing her arms, she may have been making contact with the MOS' bodies, but that she never struck any MOS' face. In addition to the aforementioned resistance, § 87(2)(b) was twisting her body in order to get away from the MOS. Sgt. Guido clarified that on the train, he and Sgt. Dimantov each took hold of one of § 87(2)(b)'s arms each, and brought them behind her back after Sgt. Dimantov had pulled § 87(2)(b) up from her seat and she had begun to flail her arms. Sgt. Guido could not recall § 87(2)(b) grabbing onto any poles on the train. The entire time the three MOS were attempting to remove § 87(2)(b) from the train, she was cursing and yelling.

Two videos of the train platform provided by the Staten Island Rapid Transit Operating Authority capture § 87(2)(b) pulling the MOS who are guiding her back and forth as they are escorting her away from the train (BR09, BR10).



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Patrol Guide 221-02 states that officers must “apply no more than the reasonable force necessary to gain control” in police incidents (BR11).

Both § 87(2)(b) and § 87(2)(b) testified that § 87(2)(b) had committed theft of service by entering the train station on the same metro card swipe as § 87(2)(b). Although § 87(2)(b) testified that Sgt. Guido pulled her up from her seat, both PO Narvaez and Sgt. Guido testified that Sgt. Dimantov took this action. § 87(2)(b) testified that she deemed only the force used by Sgt. Guido in her removal from the train to be excessive. While both Sgt. Dimantov and PO Narvaez testified that they were the MOS pulling § 87(2)(b) away and bringing her hands behind her back, and that Sgt. Guido appeared to have been struck by § 87(2)(b), Sgt. Guido testified that he took hold of one of § 87(2)(b)'s arms in order to bring it behind her back so that she could be handcuffed. While § 87(2)(b) testified that she did not continue to resist the MOS after they had placed her in handcuffs, video evidence captures that

§ 87(2)(b) continued to resist the MOS who were escorting her away from the train by pulling them from side to side. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation B—Force: Sergeant Peter Guido used physical force against § 87(2)(b)**

After she was handcuffed, § 87(2)(b) testified that the group of MOS led her to a hallway behind a police office in the ferry terminal (BR04). Sgt. Guido went into the police office, while the group of MOS who originally helped Sgt. Guido remove § 87(2)(b) off the train watched her while she stood to the left of the door to the police office. After about two to three minutes, § 87(2)(b) began to ask for her handcuffs to be removed. The nearby MOS ignored § 87(2)(b)'s request.

After about five minutes, Sgt. Guido exited the police office, and joined the group of MOS to the right of the door to the police office. At this point, § 87(2)(b) said "If you don't let me go, I'm gonna start hitting cops." In response, Sgt. Guido approached § 87(2)(b) and said "Oh, really?" In response, § 87(2)(b) spit at Sgt. Guido, who at that time was less than three feet away from § 87(2)(b). § 87(2)(b) did not know if her spit made contact with Sgt. Guido. In response to her spitting at him, Sgt. Guido briskly approached § 87(2)(b) came behind her, grabbed her by the center of her hair the back of her head with one of his hands, and lifted her handcuffs up so that Sgt. Guido pulled her arms upward with his other hand. Sgt. Guido then used both of his hands to slam the left side of § 87(2)(b)'s head against the wall to the left of the door to the police office. As soon as Sgt. Guido pulled § 87(2)(b)'s handcuffs up her arms, § 87(2)(b) began to have asthma attack in response to this action. The asthma attack caused § 87(2)(b) to fall to the ground. When she fell to the ground, § 87(2)(b) did not receive any injuries from falling. One of the MOS called an ambulance, and an EMT arrived on scene to treat § 87(2)(b).

Medical records from the § 87(2)(b) where § 87(2)(b) was transported following her apprehension at the ferry terminal indicate that § 87(2)(b) primarily complained of left wrist pain, and made no mention of any injury to or pain in her head (BR12).

During his interview at the CCRB, PO McDonald testified that he was on patrol in the ferry terminal when he heard a female voice screaming downstairs in the train station (BR13). PO McDonald went downstairs, and saw that Sgt. Guido, Sgt. Dimantov, and PO Narvaez were escorting § 87(2)(b) away from the train station. All four MOS brought § 87(2)(b) upstairs to the hallway behind the police office. On the way upstairs, Sgt. Guido informed PO McDonald that § 87(2)(b) was going to be removed to the hospital as an EDP. At some point on the way up the stairs, § 87(2)(b) spit in Sgt. Guido's face. When the four MOS reached the door of the police office, PO Castaldo came out to meet the four MOS. At this time, Sgt. Dimantov and PO Narvaez left the scene.

PO McDonald and PO Castaldo remained in the hallway to watch § 87(2)(b) as they waited for the ambulance to arrive, while Sgt. Guido went inside to complete some paperwork. One MOS on scene brought out a chair for § 87(2)(b) to sit in while she waited. After § 87(2)(b) sat down in the chair, she continued to yell and threaten to spit on PO McDonald, PO Castaldo, and Sgt. Guido as she had been throughout the course of the incident up to this point. Shortly after § 87(2)(b) sat down in the chair, she stood up and faced PO McDonald and PO Castaldo. Both MOS believed that § 87(2)(b) might attempt to spit on them, so PO McDonald and PO Castaldo each took hold of § 87(2)(b) by one of her

shoulders, and turned her so that she was facing the wall. The two MOS did this so that § 87(2)(b) would not be able to spit on them. In reaction to being turned against the wall, § 87(2)(b) began to kick back at PO McDonald and PO Castaldo. § 87(2)(b) attempted to turn her body around to face PO McDonald and PO Castaldo as she was kicking them. At this point, in response to the kicking PO McDonald and PO Castaldo continued to hold § 87(2)(b) by one shoulder each, and swung her to the ground. PO McDonald and PO Castaldo brought § 87(2)(b) to the ground so that they could place leg restraints on her in order to prevent her from kicking them. No one pushed § 87(2)(b)'s handcuffs up as she was brought to the ground. Sgt. Guido was not involved in bringing § 87(2)(b) to the ground. PO McDonald could not recall if Sgt. Guido was present for when PO McDonald and PO Castaldo brought her to the ground, but did remember that Sgt. Guido came back out of the office shortly after he had gone inside.

§ 87(2)(g) (BR14). PO Castaldo testified that while he and PO McDonald were facing § 87(2)(b) against the wall, she attempted to spit at them. PO Castaldo and PO McDonald were struck six to seven times in the shins by § 87(2)(b)'s back kicking, he and PO McDonald brought § 87(2)(b) to the ground. PO Castaldo believed that a number of MOS, including Sgt. Guido, came out of the police office shortly after he and PO McDonald brought § 87(2)(b) to the ground. The remainder of PO Castaldo's testimony is essentially consistent with that of PO McDonald.

Sgt. Dimantov testified that he went into the police office as soon as he, the other MOS, and § 87(2)(b) reached the back door (BR06). After he was in the police office for five minutes, Sgt. Dimantov heard many MOS speaking in the hallway. When he went out into the hallway to see what was happening, § 87(2)(b) was on the ground in an upright position facing the wall. Sgt. Guido was standing between § 87(2)(b) and the wall. Sgt. Dimantov did not see how § 87(2)(b) came to be on the ground.

PO Narvaez testified that after he reached the police office with § 87(2)(b) and the other MOS, he went to a nearby restroom (BR07). About five minutes after he had arrived at the police door, PO Narvaez could hear § 87(2)(b) yelling from the restroom. PO Narvaez's observations upon coming out of the restroom were essentially consistent with those of Sgt. Dimantov, except for the fact that PO Narvaez could not recall where Sgt. Guido was when he came out of the restroom.

Sgt. Guido testified that he went in and out of the police office several times while § 87(2)(b) was in the chair in the hallway waiting for the ambulance to arrive (BR08). At one point, Sgt. Guido heard § 87(2)(b) yell, curse, and make threats to spit on MOS. Sgt. Guido could not recall if he was inside or outside of the police office at this time. Sgt. Guido could not recall if he specifically observed § 87(2)(b) standing up from the chair, but did remember seeing her standing shortly after she had gotten up. In reaction to § 87(2)(b) standing up, PO McDonald and PO Castaldo turned § 87(2)(b) around and held her against the wall. § 87(2)(b) began to move her body around and kick PO McDonald and PO Castaldo with her heels.

At this time, Sgt. Guido went between PO McDonald and PO Castaldo so that he was directly behind § 87(2)(b) and assisted in bringing § 87(2)(b) to the ground. Directly before the three MOS brought § 87(2)(b) to the ground, Sgt. Guido said "take her down." Sgt. Guido decided to bring § 87(2)(b) to the ground to control her, as when she was standing upright, § 87(2)(b) was at an advantage in that she could easily kick or head butt MOS, and made no indication that she would stop back kicking once she started. Sgt. Guido could not recall exactly what he did to physically bring § 87(2)(b) to the ground, but believed he may have taken hold of her waist as he brought her to the ground. Sgt. Guido did not believe § 87(2)(b)'s head made contact with the wall as he helped bring her to the ground. Sgt. Guido did not recall lifting § 87(2)(b)'s handcuffs up as he brought her to the ground. After to about a minute or two of having been brought to the ground, § 87(2)(b) began to complain of having trouble breathing, and stated that she had asthma.

Video of the incident provided by the Department of Transportation captures Sgt. Guido coming behind § 87(2)(b) as she is back kicking PO McDonald and PO Castaldo (BR15). Directly before Sgt.

Guido makes contact with § 87(2)(b)'s head, § 87(2)(b) moves her head towards PO McDonald. Sgt. Guido takes hold of the back of § 87(2)(b)'s head, and with a rapid motion, § 87(2)(b)'s head makes contact with the wall. After further back kicking, PO McDonald and PO Castaldo push § 87(2)(b)'s shoulder's down, and in this way bring her to the ground. Sgt. Guido appears to be making contact with § 87(2)(b)'s upper back as she is brought to the ground by the three MOS about 20 seconds after her head makes contact with the wall.



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Patrol Guide 221-02 states that officers must “apply no more than the reasonable force necessary to gain control” in police incidents (BR11).

PO McDonald, PO Castaldo, and Sgt. Guido testified that directly before § 87(2)(b) got up from the chair, she had been threatening to spit on them, and further testified that before she was brought to the ground, § 87(2)(b) was attempting to turn her body around to spit at them. § 87(2)(b) testified that directly before Sgt. Guido brought her to the ground, she had spit at him. Video of the incident captures § 87(2)(b) turning her head towards PO McDonald directly prior to Sgt. Guido taking hold of her head and bringing it towards the wall. Although § 87(2)(b) alleged that she fell at the time that Sgt. Guido moved her head against the wall, video evidence indicates that § 87(2)(b) was brought to the ground about 20 seconds afterwards by PO McDonald, PO Castaldo, and Sgt. Guido. § 87(2)(g)

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§ 87(2)(b)

**Allegation C—Abuse of Authority: Sergeant Peter Guido threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) testified that Sgt. Guido rode in the back of the ambulance to § 87(2)(b) (BR04). In the ambulance, § 87(2)(b) took her oxygen mask off, and asked Sgt. Guido where her mother was. Sgt. Guido told § 87(2)(b) that her mother was coming to the hospital. § 87(2)(b) requested several times that Sgt. Guido call her mother, and told him that she would not calm down until he called her mother. In response, Sgt. Guido said “You’re lucky your face is still intact because you’re still § 87(2)(b) § 87(2)(b) perceived this to be an “open threat” on the part of Sgt. Guido. In response, § 87(2)(b) spit at Sgt. Guido.

The two EMTs who were in the ambulance with § 87(2)(b) EMT § 87(2)(b) and EMT § 87(2)(b) both testified that they did not recall this incident (BR16, BR17).

Sgt. Dimantov and PO Narvaez testified that they did not ride in the ambulance, that Sgt. Guido at no point spoke with the female, and never said “You’re lucky your face is still intact because you’re still § 87(2)(b) (BR06, BR07).”

PO McDonald testified that he did not ride in the ambulance, but rode in an RMP to § 87(2)(b) (BR13). At some point Sgt. Guido told § 87(2)(b) to calm down, but did not speak with her otherwise.

PO Castaldo testified that he rode in the ambulance with Sgt. Guido (BR14). While in the ambulance, PO Castaldo and Sgt. Guido avoided speaking with § 87(2)(b) so as not to further upset her. During the ambulance ride, § 87(2)(b) moved up and down on the stretcher that she was strapped to, and attempted to kick off the leg restraints. At one point, an EMT who was in the back of the ambulance took § 87(2)(b)'s oxygen mask off. Shortly after the EMT did this, § 87(2)(b) spit on Sgt. Guido, such that her spit landed somewhere on his body. Prior to this, Sgt. Guido had not had any interaction with § 87(2)(b) while in the ambulance. Sgt. Guido did not react to § 87(2)(b) spitting on him, and continued not to speak to her for the remainder of the ambulance ride. Sgt. Guido did not say "You're lucky your face is still intact because you're still § 87(2)(b)".

Sgt. Guido testified that en route to § 87(2)(b) § 87(2)(b) began to kick upwards in the stretcher. Sgt. Guido could not recall what led up to this "outburst." Sgt. Guido could not recall § 87(2)(b) ever asking to speak to her mother. Sgt. Guido could not recall § 87(2)(b) speaking to him or PO Castaldo in the ambulance, and could not recall needing to say anything to calm her down en route to RUMC. Sgt. Guido believed that § 87(2)(b) attempted to spit in the ambulance, but that she was not attempting to spit on anyone in particular so much as attempting to spit "wildly." Sgt. Guido could not remember if § 87(2)(b) successfully spit on anyone in the ambulance. Sgt. Guido did not say "You're lucky your face is still intact because you're still § 87(2)(b)".

**NYPD v. Briscoe**, OATH No. 1328/00, indicates that a threat of force must serve a legitimate purpose other than to intimidate (BR15).

§ 87(2)(g)

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Squad: 8

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date